

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

UNITED STATES OF AMERICA

§

V.

§

CRIMINAL NO. 2:08CR5

DAMIEN DONTE PORTER (01)

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**PRELIMINARY ORDER OF FORFEITURE**

WHEREAS, in the Notice of Intention to Seek Criminal Forfeiture within the Indictment and/or Bill of Particulars filed in the above-styled and captioned case, the United States sought forfeiture of specific property belonging to Defendant, DAMIEN DONTE PORTER, pursuant to 21 U.S.C. § 853, 18 U.S.C. §§ 924(d) and 3665, and 28 U.S.C. § 2461 as property subject to forfeiture. Said property being:

- 1) **a Phoenix Arms model HP 22A, .22 caliber semi automatic pistol, serial number 4215440;**
- 2) **a North American Arms 22 caliber, magnum revolver serial number E136576; and**
- 3) **any and all associated ammunition.**

AND WHEREAS, Defendant Porter entered a plea of guilty as to Counts 1 and 5 of the Indictment, and admitted to the allegations contained in the Notice of Intention to Seek Criminal Forfeiture contained in the Indictment and Bill of Particulars as to the aforementioned property;

AND WHEREAS, by virtue of said plea and admission, the United States is now entitled to possession of said property previously listed pursuant to 18 U.S.C. § 924(d) and 3665.

Accordingly, it is hereby ORDERED, ADJUDGED AND DECREED:

1. That based upon the plea and admission of Defendant Porter and the findings entered by this Court, the United States is hereby authorized to seize the aforementioned

property and it is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of 21 U.S.C. § 853 and Supplemental Rule G(4)(a)(iv)(C), Supplemental Rules for Admiralty or Maritime and Asset Forfeiture Claims.

2. That the aforementioned forfeited property is to be held by the seizing/custodial agency, in its custody and control.

3. That pursuant to 21 U.S.C. § 853(n)(1), Supplemental Rule G(4)(a)(vi)(C), and the Attorney General's authority to determine the manner of publication of an Order of forfeiture in a criminal case, the United States forthwith shall publish for at least 30 consecutive days at [www.forfeiture.gov](http://www.forfeiture.gov), notice of this Preliminary Order of Forfeiture, notice of the United States' intent to dispose of the property in such manner as the Attorney General may direct and notice that any person, other than the Defendant, having or claiming a legal interest in the above-mentioned forfeited property must file a petition with the Court within 60 days of the first day of publication of the notice on the official government internet web site, pursuant to Rule G(5) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions.

4. This notice shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the property, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title or interest in the forfeited property, the time and circumstances of the petitioner's acquisition of the right, title and interest in the forfeited property, and any additional facts supporting the petitioner's claim and the relief sought, pursuant to 21 U.S.C., § 853(n).

5. The United States may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the property that is the subject of the

Preliminary Order of Forfeiture, as a substitute for published notice as to those persons so notified.

6. Pursuant to Fed. R. Crim. P. 32.2(c)(2), if no party files a petition asserting an interest in the property, this Preliminary Order of Forfeiture becomes the Final Order of Forfeiture.

SIGNED this 15th day of January, 2009.

  
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T. JOHN WARD  
UNITED STATES DISTRICT JUDGE